

McGILL
Appl. No. 09/913,330
May 10, 2004

Claim 48 was rejected under 35 U.S.C. §102(e) over Hochstein et al. Inasmuch as this rejection applies to claim 57, it is respectfully traversed.

At the outset, it is respectfully requested that the Patent Office officially make Hockstein et al. of record since it is not listed on the Form PTO-892. Attached hereto is a Form PTO-1449 which lists Hockstein et al. The Examiner is requested to initial and return this form with the next Office Action.

Hockstein et al. does not teach or disclose a method in which the food product is subjected to microwave energy to bring the food product from the storage temperature to the desired temperature for blending, in the blending position, per claim 57. Applicant respectfully submits that Hockstein et al. deliberately seeks to avoid having to heat the product before blending.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 49 was rejected under 35 U.S.C. §103(a) over Miller in view of Wade et al. This rejection is respectfully traversed as Miller does not teach or suggest the subject matter of claim 57, for reasons described above. Wade et al. does not make up for those deficiencies.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 50-52 were rejected under 35 U.S.C. §103(a) over Miller in view of Wade et al. and Boulard. This rejection is respectfully traversed because Miller does not teach or suggest the subject matter of claim 57, for reasons described above. Boulard does not make up for these deficiencies as it was only relied upon to show internal antenna.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 48 was rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of U.S. Patent No. 6,338,569. However, claims 1-9 of the '569 patent